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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,890	04/11/2005	Victor Villagrana	1200.729	4475
7550 09/19/2008				
Liniak Berenato Longacre & White Suite 240 6550 Rock Spring Drive Bethesda, MD 20817			EXAMINER ESTREMSKY, GARY WAYNE	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 09/19/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,890

**Applicant(s)**

VILLAGRASA ET AL.

**Examiner**

Gary Estremsky

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-10,21-28,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-10,21-24,30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 3, 5-10, 21-28, 30, and 31 are objected to because of the following informalities: While limitation of "a handle support fastened in said rear frame of said door" (for example) positively recites the rear frame as part of the invention and thereby clearly requires the rear frame of the door as part of the invention, the preamble indicates that the invention is "A handle" functionally reciting the rear frame as part of intended use. The preamble should be amended to be consistent with scope of the claimed invention as it is defined in the body of the claim, i.e., including the rear frame of the door. Preamble language such as - - A handle mounted to a rear frame of a door - - or equivalent would be acceptable. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3, 5-10, 12, 21-28, 30, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It's not clear if motor vehicle strip door(s) are included as part of the invention due to its particular recitation in the preamble where it's not clear what the relationship of the claimed rear frame is to the strip door(s) and due to particular recitation including "in particular for" and "of the

type". It's not clear if the handle is intended for mounting on a door and/or the strip door is intended for mounting on a rear frame (of a door) or that the claimed door is required to be a strip door. Clarification and/or correction is required.

3. Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Applicant's Remarks directed to previous rejection of the claimed "small angle" feature are appreciated but it is not clear what the intended scope of the limitation is meant to include or exclude. 'As best understood', the limitation is intended to define the claimed invention as providing for line of movement that does not have more than a small angle with respect to an axis that is perpendicular to the door. Clarification, and/or correction of the claim language and/or corresponding written description is required.

5. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 depends from a cancelled claim whereby its scope and meaning is not well defined.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 5-10, 12, 21, 23, 24, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,669,243 to Katoh.
8. Katoh '243 teaches Applicant's claim limitations including : a "gripping part" – 3, "groove" – small space provided therebehind that is intended for gripping, "means for transmitting the movement" – including 7, a "handle support" – including 2, "guide element" – cooperating structure on rear of handle.
9. As regards claims 3 and 30, part 8 anticipates broad limitation of "panel" where "exterior" is not well defined with respect to other claimed elements in such a way as to clearly, patentably distinguish from the well known structure of the prior art where the handle would be visible from the exterior as it is shown on the face of the Patent until part 8 is positioned to conceal.
10. As regards claim 5, a "small angle" between zero and some small number is inherent due to curvature of the door and the angle of reference relied on.
11. As regards claim 8, part 8 anticipates broad limitation for "wing".
12. As regards claim 9, reference teaches "pivoting pin" portion at 7a that is arranged as set forth.
13. As regards claim 21, reference discloses fastening structure for attaching 8 to sides which are ultimately connected with the support of the handle.
14. As regards claim 23, as best understood, the illustrated hinge structure reads on limitation. As regards claim 24, one of ordinary skill in the art would consider a hinge pin for fastening the glovebox to be inherent to teachings of the reference where that

hinge pin anticipates broad limitation for "at least one fastening element which retains the panel on the rim of the frame. Examiner takes Official Notice that such arrangement is well known in the art and consistent with balance of the explicit prior art disclosure.

15. As regards claim 31, portion at 1 above the handle (as shown on the face of the Patent) anticipates broad limitation.

### ***Response to Arguments***

16. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Inasmuch as this Office action present grounds of rejection for at least some claims that was not necessitated by the amendment, this action is NOT made Final in order to provide Applicant with full opportunity to respond.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. U.S. Pat. No. 3,113,798 to Kramer.

19. U.S. Pat. No. 4,538,844 to Watanabe.

20. U.S. Pat. No. 6,471,263 to Choo.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on T,W,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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